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From: Kevin P. Allen Page(s):  
Date: March 7, 1997 Client/Matter No.: A429/60-4591  
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MAR 12 1997

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William Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, DC 20554

March 7, 1997

Via Telecopier  
202/653-5402  
and U.S. Mail

Re: Petition of the Pennsylvania Public Utility Commission  
for Expedited Waiver of the 10-Digit Dialing Requirement  
CC Docket No. 96-98

Dear Mr. Caton:

Enclosed please find the County of Allegheny's Comments opposing the Pennsylvania Public Utility Commission's Petition for Expedited Waiver of the 10-Digit Dialing Requirement of 47 C.F.R. § 52.19, along with a Certificate of Mailing.

For the Commission's convenience, a facsimile copy of Allegheny County's Comments will be sent under cover of this letter.

Thank you.

Very truly yours,

Kevin P. Allen

KPA/sds/#305761

cc: Maureen A. Scott, Esquire (w/encl.)  
Clifford B. Levine, Esquire (w/o encl.)

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

NOV 11 1997

Petition of the Pennsylvania  
Public Utility Commission for  
Expedited Waiver of the  
10-Digit Dialing Requirement ) CC Docket No. 96-98

**ALLEGHENY COUNTY'S COMMENTS IN OPPOSITION TO  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S  
PETITION FOR EXPEDITED WAIVER**

The County of Allegheny ("Allegheny County") opposes the Pennsylvania Public Utility Commission's ("PaPUC") request for a waiver of the 10-digit dialing requirement set forth in 47 C.F.R. § 521.19(c)(3)(ii) for the following reasons:

1. After much deliberation, the FCC has determined that overlay area code relief plans will harm competition in the telecommunications market unless 10-digit dialing is mandatory under the overlay plan. See Second Report and Order re Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, 61 Fed. Reg. 47,284 et seq.

2. In direct and knowing violation of the FCC's 10-digit dialing requirement, the PaPUC has adopted an overlay area code relief plan which expressly provides that intra-area code 10-digit dialing is not mandatory.

3. The PaPUC's overlay plan is the subject of a pending appeal in the Pennsylvania Commonwealth Court, Docket Nos. 2745

C.D. 1996, 2879 C.D. 1996. The Commonwealth Court has scheduled oral arguments for April 9, 1997. The PaPUC, by its request for expedited relief, thus attempts to avoid the consequences of having ignored the FCC's Second Report and Order.

4. In its Petition, the PaPUC argues that 10-digit dialing will not harm competition and is not necessary under its overlay plan because of the availability of interim number portability in the current 412 area code.

5. However, the interim number portability system in place in the 412 area code does not level the competitive playing field. In statements which accompanied the PaPUC's Order adopting the overlay plan, two of the PaPUC's Commissioners acknowledged the inadequacy of the interim number portability program. According to Commission John Hanger, the interim system "is not a good long-term solution, because it penalizes the CLEC's...." Commissioner David W. Rolka stated that "the interim solution is technically deficient and inefficient."

6. The existence of a deficient, inefficient and inadequate interim number portability system does not justify a waiver of the FCC's 10-digit dialing requirement.

7. Moreover, the PaPUC adopted the overlay plan without providing adequate notice of its proceedings and without conducting any type of evidentiary hearing, in violation of the due process

rights of Allegheny County and all consumers of telecommunications services in the 412 area code.


8. A geographic split of the 412 area code, the area code relief plan favored by Allegheny County, would preserve 7-digit dialing without erecting the obstacles to competition inherent in overlay plans.

Based on the foregoing, Allegheny County respectfully requests that the FCC deny the PaPUC's Petition for Expedited Waiver of the FCC's 10-digit dialing requirement.

Respectfully submitted,

THORP, REED & ARMSTRONG

Dated: March 7, 1997

  
Clifford B. Levine  
Kevin P. Allen

Kerry A. Fraas, Esquire  
George Janocsko, Esquire  
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On Behalf of  
The County of Allegheny